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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,884	11/14/2003	Burton F. Grant		1125

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EXAMINER

HUANG, SIHONG

ART UNIT PAPER NUMBER

2632

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

10/713,884

Applicant(s)

GRANT, BURTON F.

Examiner

Sihong Huang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment filed May 4, 2005. As directed by the amendment, claim 4 is amended to change/correct the dependency to make dependent from claim 3 instead of claim 1, and no new claim is added. Thus, claims 1-4 are presently pending in this patent application with claims 1 and 3 being the independent claims.

2. The amendment to the specification on page 5, line 3 is incorrect. Before the amendment, it read as "the identifier contained *the in* heartbeat", now it reads as "the identifier contained *in in* heartbeat". It should read as "the identifier contained *in the* heartbeat".

### ***Specification***

3. The disclosure is objected to because of the following informalities:

On page 5, line 3, after "contained", "the in" should read --in the--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US Pub. No. 2003/0137418 A1) in view of Maloney (US Pub. No. 2004/0095241 A1).



Art Unit: 2632

Lee et al disclosed an article minder system for minding at least one article, said system comprising:

a radio tag 3 (see pp [0016]) provided on each of the at least one article, said radio tag transmitting a first radio frequency signal (line 14 of pp [0016]) at periodic intervals (line 3 of pp [0022]) including an identifier uniquely identifying the at least one article (lines 2-3 and 13 of pp [0016] and pp [0009]);

a housing (2, or housing of reader, also see Fig. 1);

a receiver (the receiver part of transceiver 4, see Fig. 2) provided in said housing for receiving said first radio frequency signal;

a signaling device (7, see Fig. 2) responsive to a signal from said receiver, said receiver issuing a signal to said signaling device (7) if said receiver fails to receive said first radio frequency signal within said periodic intervals (as disclosed in line 3 of pp [0022], the reader can check each article at a predetermined interval, and as disclosed in lines 7-12 of pp [0021], when article fails to respond (that is, if there is no response from the article, there will be no first radio signal received by the receiver part of the transceiver 4), an audible and/or flashing alarm is initiated); and

a power source (inherent of Lee et al, also see line 18 of pp [0016]) operatively connected to said receiver and signaling device (7).

Lee et al differ from **claims 1 and 3** of the present invention in that the tracking article is not a credit card, namely, the radio tag (RFID) is not provided on a credit card. However, Maloney, from the same field of endeavor, similarly teaches an object or article tracking system in which radio frequency (RFID) tag is embedded on a thin plastic card (line 10 of pp [0005] and



Art Unit: 2632

lines 4-12 of pp [0006], also see Figs. 1, 2 and 11-13). As Lee et al disclosed that their system can be used to track any articles (pp [0002] and pp [0023]), and Maloney disclosed that article can be any item that is desired to be tracked and monitored, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use the system of Lee et al to track any desirable item including credit card by applying the teaching of Maloney to attach its radio tag (RFID) to a plastic credit card in order to alert a credit card user when the credit card is not at possession with the credit card user within a period of time.

As to **claim 3**, the combination of Lee et al and Maloney further differs from claim 3 in that it does not disclose a credit card holder for storing at least one credit card. Examiner takes Official notice that it is notoriously known that credit cards are normally stored in a card holder (e.g., wallet). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to store the card of Lee et al and Maloney in a card holder in order to prevent the card from being damaged.

Regarding **claims 2 and 4**, the system of Lee et al. further includes a transmitter (the transmitter part of the transceiver 4) in the housing (2) for transmitting a second radio frequency signal (e.g., the polling signal, lines 4-8 of pp [0021]) at periodic intervals (lines 2-3 of pp [0022]), said radio tag including a receiver (the receiver part of the transceiver 8, see Fig. 2) for receiving said second radio frequency signal, and a transmitter (the transmitter part of transceiver 8) for transmitting said first radio frequency signal each time said radio tag receiver receives said second radio frequency signal (lines 1-12 of pp [0021] and lines 3 and 13 of pp [0016]).



***Response to Arguments***

6. Applicant's arguments filed May 4, 2005 have been fully considered but they are not persuasive.

Applicant on pages 6-7 of the remarks argued that the Lee reference does not disclose transmitting a radio signal at a predetermined time interval because of the given example in Lee. However, as addressed in the rejection above, Lee in line 3 of [0022] discloses such claimed limitation because the apparatus of Lee can be in an "automatic or at a predetermined time interval" modes. Regardless of which mode the example was given, an alternative is disclosed by the Lee reference, and therefore the claimed limitation is read on Lee and the rejection is proper.

Applicant further argued that the transmission of the first radio signal in claims 1 and 3 does not depend on an inquiry or polling from the receiver. First of all, such language is not supported by the claims. Secondly, as long as the first radio signal can be transmitted at periodic interval (even though it depends on inquiry or polling from the receiver at periodic interval), the claimed language reads on Lee as addressed. Finally, dependent claims 2 and 4 require such inquiry or polling from the receiver. Thus, the rejection is proper. In addition, it is known in the art that the polling or no polling is merely a matter of engineering design choice. For example, no receiver in the tag and no polling would require a battery or power supply in the tag in order to transmit a signal (active tag which includes its own power source); on the other hand, with a receiver in the tag which would be capable of receiving power from the polling signal and therefore no power supply is required in the tag (passive tag which contains no power source).



Art Unit: 2632

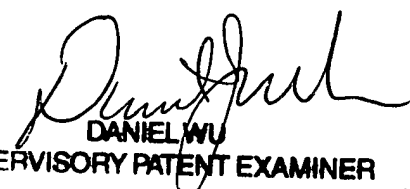
***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sihong Huang whose telephone number is 571-272-2958. The examiner can normally be reached on Mon & Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (which will be changed to 571-273-8300 starting on July 15, 2005).

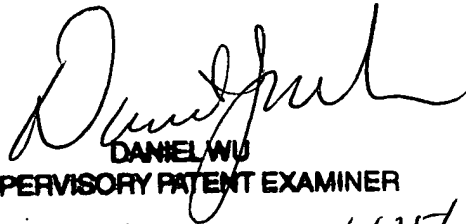
  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
6/25/05



Art Unit: 2632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sihong Huang  
June 23, 2005

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
6/25/05